

CHAPTER 179

PROFESSIONS AND OCCUPATIONS

HOUSE BILL 24-1253

BY REPRESENTATIVE(S) English and Holtorf, Duran, Hamrick, Snyder, Woodrow;
also SENATOR(S) Ginal.

AN ACT

CONCERNING THE CONTINUATION OF THE REGULATION OF RESPIRATORY THERAPY, AND, IN CONNECTION THEREWITH, IMPLEMENTING THE RECOMMENDATIONS IN THE 2023 SUNSET REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **amend** 12-300-116 as follows:

12-300-116. Repeal of article - review of functions. This article 300 is repealed, effective ~~September 1, 2024~~ ~~SEPTEMBER 1, 2024~~ **SEPTEMBER 1, 2035**. Before the repeal, the licensure functions of the director under this article 300 are scheduled for review in accordance with section 24-34-104.

SECTION 2. In Colorado Revised Statutes, 24-34-104, **repeal** (25)(a)(XI); and **add** (36) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (25) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2024:

(XI) ~~The licensing and regulation of respiratory therapists by the division of professions and occupations in the department of regulatory agencies in accordance with article 300 of title 12;~~

(36) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE SCHEDULED FOR REPEAL ON **SEPTEMBER 1, 2035**:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(I) THE LICENSING AND REGULATION OF RESPIRATORY THERAPISTS BY THE DIVISION OF PROFESSIONS AND OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES IN ACCORDANCE WITH ARTICLE 300 OF TITLE 12;

(b) THIS SUBSECTION (36) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2037.

SECTION 3. In Colorado Revised Statutes, 12-300-104, **amend** (3)(c), (3)(d)(II), and (3)(e) as follows:

12-300-104. Definitions. As used in this article 300, unless the context otherwise requires:

(3) "Respiratory therapy" means providing therapy, management, rehabilitation, support services for diagnostic evaluation, and care of patients with deficiencies and abnormalities that affect the pulmonary system under the overall direction of a medical director. Respiratory therapy includes the following:

(c) Direct and indirect respiratory care services, including the administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, and pulmonary rehabilitative or diagnostic regimen prescribed by a physician, A PHYSICIAN ASSISTANT, an advanced practice registered nurse, or a certified midwife;

(d) Observation and monitoring of signs, symptoms, reactions, general behavior, and general physical response to respiratory care treatment and diagnostic testing for:

(II) The implementation based on observed abnormalities of appropriate reporting, referral, or respiratory care protocols or changes in treatment regimen pursuant to a prescription by a physician, A PHYSICIAN ASSISTANT, an advanced practice registered nurse, or a certified midwife or the initiation of emergency procedures;

(e) The diagnostic and therapeutic use of the following in accordance with the prescription of a physician, A PHYSICIAN ASSISTANT, an advanced practice registered nurse, or a certified midwife:

(I) Administration of medical gases, exclusive of general anesthesia;

(II) Aerosols;

(III) Humidification;

(IV) Environmental control systems and biomedical therapy;

(V) Pharmacologic agents related to respiratory care procedures;

(VI) Mechanical or physiological ventilatory support;

(VII) Bronchopulmonary hygiene;

(VIII) Respiratory protocol and evaluation;

(IX) Cardiopulmonary resuscitation;

(X) Maintenance of the natural airways;

(XI) Insertion and maintenance of artificial airways;

(XII) Diagnostic and testing techniques required for implementation of respiratory care protocols;

(XIII) Collection of specimens from the respiratory tract; or

(XIV) Analysis of blood gases and respiratory secretions and participation in cardiopulmonary research; and

SECTION 4. In Colorado Revised Statutes, 12-300-112, **amend** (1)(a)(III) as follows:

12-300-112. Exceptions. (1) This article 300 does not prohibit:

(a) (III) The practice of respiratory therapy by polysomnographic technologists who are not registered by or do not hold credentials from a nationally recognized organization, but those polysomnographic technologists shall only practice under the supervision of a respiratory therapist, a physician, or an individual exempted from the provisions of this article 300 pursuant to subsection (1)(g) of this section, AND THOSE POLYSOMNOGRAPHIC TECHNOLOGISTS' SCOPE OF PRACTICE MUST NOT EXCEED OXYGEN TITRATION WITH PULSE OXIMETRY AND NONINVASIVE POSITIVE PRESSURE VENTILATION TITRATION.

SECTION 5. In Colorado Revised Statutes, 12-300-107, **amend** (2) as follows:

12-300-107. License - effectiveness - fee. (2) The director shall issue a license to practice respiratory therapy to an applicant who otherwise meets the qualifications set forth in this article 300 and who submits satisfactory proof and certifies under penalty of perjury that the applicant is either:

(a) Eligible for licensure by endorsement pursuant to the occupational credential portability program; OR

(b) Holding credentials conferred by a national respiratory therapy credentialing body, as determined by the director, which credentials have not been suspended or revoked. ~~or~~

(c) ~~Functioning in the capacity of a respiratory therapist as of July 1, 2000, and has successfully passed, no later than July 1, 2001, the certification or registration examination of a national respiratory therapy credentialing body, as determined by the director.~~

SECTION 6. In Colorado Revised Statutes, **amend** 12-300-108 as follows:

12-300-108. Renewal of license. ~~(1) At least sixty calendar days prior to the expiration of a license, the director shall notify the licensee of the pending expiration. The director shall make an expiration notice and a renewal form available to the licensee. Before the expiration date, the licensee shall complete the renewal form and return it to the division with the renewal fee.~~

~~(2)~~ Licenses issued pursuant to this article 300 are subject to the renewal, expiration, reinstatement, and delinquency fee provisions specified in section 12-20-202 (1) and (2). Any person whose license has expired ~~shall be~~ is subject to the penalties provided in this article 300 or section 12-20-202 (1).

SECTION 7. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 15, 2024